

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CIVIL MINUTES

CASE NUMBER: 1:02-CV-357 DATE: 08/13/2008

CASE CAPTION: JAMES O'NEAL v. WARDEN MARGARET BAGLEY

PROCEEDINGS: Evidentiary Hearing

BEFORE CHIEF UNITED STATES MAGISTRATE JUDGE MICHAEL R. MERZ

COURT REPORTER: Paula Blosser

DIGITAL RECORDING #:

COURTROOM DEPUTY: Gayle Hays

PETITIONER'S COUNSEL:

RESPONDENT'S COUNSEL

Mike Krumholtz

Steve Maher

Larry Greger

Hearing reconvened in progress from 7/18/2008. Testimony heard from Attorney John Keller. Petitioner Exhibits 2-9 are admitted into evidence. Transcript of the proceedings is ordered at the regular rate. Petitioner's brief on the merits is due 60 days from the date the transcript is filed. Respondent's response is due 30 days after the filing of the Petitioner's brief. The Writ of H.C. is dissolved and Petitioner is remanded to the custody of the State.

DOCKET ENTRY/ORDERS:

H:\DOCS\FORMS\CVMIN.WPD

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Pet.	Resp.	Exh	Item	Atty.	Exam	Time
			Convene			9:36
			Mr. Keller sworn	TH	Direct	9:37
2	✓	2	Indictment of Mr. O'Neal			
3	✓	3	ORC defining Agg. Burg.			
4	✓	4	ORC 2411.21 defines Crim.			
			Unsubpass:			
5	✓	5	Copy of lease			
			Recess			10:22
			Reconvene			10:30
7		7	Joint Ex. #3 from Capital Trial			
5	✓	5	page 3 of 6			
7		7	page 2			
6	✓	6				
35		35	10 L			
9	✓	9				
8	✓	8	Joint Ex #1 from Capital Trial			
			Pg. 1 - Certified abstract of Marriage License			
				Δ	Cross	11:10
			Booklet - All from Joint Appendix			
			Tab 1 - Vol II pg. 39			
			" pg. 41			
			Last page			

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Pet.	Resp.	Exh	Item	Atty.	Exam	Time
			Bodelet			
			Tab 2 - Mtn to Diom.			
			pg. 2			
			Tab 3 -			
			pg. 11			
			Tab 4			
			Tab 5			
				11	Re-Direct	11:45
			Tab 1 pg. 49			
			Tab 3			
			Witness excused			
			Subpoena issued for			
			Ms. Breedon from			
			CMHA - records			
			custodian:			
			Hearing to be continued			
			in progress until the			
			matter of Ms Breedon's			
			non-appearance is solved:			
			Object. by Warden of			
			subpoena of records			

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Courtroom Deputy: Gayle Hays

Pet.	Resp.	Exh.	Item	Atty.	Exam	Time
			Hearing to be transcribed:			
			Warden granted leave to quash subpoena:			
			Atty. Greger to provide Cross- Record Motion:			
			Exhibits 2-9 offered for admission:			
			Brief on the Merits by Petitioner: 60 days from date of filing of the transcript 30 days response time for Respondent			
			Writ dissolved and Petitioner is remanded to custody			